

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

NICOLAS SALINAS COVARRUBIAS,

Petitioner,

v.

Civil Action No. 2:24-cv-169

JEFFREY CRAWFORD, *et al.*,

Respondents.

FINAL ORDER

Petitioner Nicolas Salinas Covarrubias (“Covarrubias”) filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his detention by Immigration and Customs Enforcement pending removal. ECF No. 1. This matter was referred to United States Magistrate Judge Robert J. Krask pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) for a Report and Recommendation.

The Report and Recommendation, filed November 5, 2024, recommends that respondents’ motion to dismiss, ECF No. 8, be granted, and the petition for a writ of habeas corpus, ECF No. 1, be denied and dismissed without prejudice. R&R; ECF No. 14. No objections have been filed.

“[I]n the absence of a timely filed objection, a district court need not conduct *de novo* review [of the Report and Recommendation], but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation marks and citation omitted) (italics added). The Court, having reviewed the record and being satisfied that there is no clear error, **ADOPTS** and **APPROVES** the findings and recommendations set forth in the Report

and Recommendation. The Court, therefore, **ORDERS** that respondents' motion to dismiss, ECF No. 8, is **GRANTED**, and Covarrubias' petition for a writ of habeas corpus, ECF No. 1, is **DENIED** and **DISMISSED WITHOUT PREJUDICE**.

Covarrubias has failed to demonstrate a "substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335–36 (2003).

Covarrubias is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). If Covarrubias intends to seek a certificate of appealability from the Fourth Circuit, he must do so **within thirty (30) days** from the date of this final order. Covarrubias may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk shall mail a copy of this final order to Covarrubias and counsel of record for respondents.

It is so **ORDERED**.

A handwritten signature in black ink, appearing to read 'E. Hanes', is written over a horizontal line.

Elizabeth W. Hanes
United States District Judge

Norfolk, Virginia
December 9, 2024